

SUBDIVISION PROCEDURES

BACKGROUND

Mass. General Laws Chapter 41 ("The Subdivision Control Law"), in conjunction with Chatham's "Rules and Regulations Governing the Subdivision of Land", set forth rules and procedures for the submission, review and approval of Subdivision plans. Section 81-M of Chapter 41 reads in part: "It is the intent of the subdivision control law that any subdivision plan filed with the planning board shall receive the approval of such board if the plan conforms to the recommendation of the board of health and to the reasonable rules and regulations of the planning board pertaining to subdivision of land..." Chatham's local subdivision regulations read in part: "No person shall make a subdivision, within the meaning of the Subdivision Control Law, of any land within the town or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal service therein, unless and until a Definitive Plan of such subdivision has been submitted to and approved by the Planning Board as hereinafter provided." Per the Subdivision Control Law, an applicant must submit a Definitive Plan for a residential subdivision, and may voluntarily submit a Preliminary Plan. For non-residential subdivisions, both a Preliminary and Definitive Plan submission is required.

PROCESS OVERVIEW

A Preliminary Plan is a plan of a proposed subdivision or re-subdivision of land submitted for discussion and consideration prior to the preparation of a Definitive Plan. A Definitive Plan is a plan of a proposed division of land submitted to the Planning Board for approval, to be recorded at the Registry of Deeds or filed with the recorder of the Land Court.

The Applicant should first discuss the proposal, whether a Preliminary Plan or Definitive Plan, with the *Town Planner*. This informal discussion will provide the Applicant with information regarding the process and how to get started. Said another way, the purpose of this meeting is to have a preliminary discussion that minimizes the possibility that the Applicant will spend time and money on a

proposal that is either unacceptable or one which will need major changes in order to gain acceptance.

After this meeting, *Community Development Staff* will schedule a meeting (for Preliminary Plans) and a public hearing (for Definitive Plans) with the Planning Board. Applicants must submit fifteen (15) copies of their application a minimum of 14 days prior to the Preliminary Plan meeting, and approximately 30 days prior to the Definitive Plan hearing so that Staff may prepare public hearing notices and notify abutters. This also enables Staff to review the submission and forward copies to other Town agencies as appropriate. Other agencies or Town boards may need to conduct their own review process, which is not necessarily coordinated with the Planning Board. The Planning Staff may contact the Applicant with other questions and/or omissions. The Applicant shall meet all submission requirements of Chatham's Subdivision Rules and Regulations unless a waiver(s) is requested by the applicant, and approved by the Planning Board. In some cases, the Applicant may be asked to attend a follow-up meeting with the Planning Staff to discuss the application before the Planning Board meeting or hearing.

For Preliminary Plans, the Planning Board shall notify the Applicant and Town Clerk by delivery of mail within 60 calendar days (including holidays) that the Plan has been approved, approved with modifications suggested by the Board or agreed upon by the person submitting the plan, or that the plan has been disapproved. If the latter, the Board shall state in detail its reasons for denial. The 60-day review period may be extended by mutual agreement of the Applicant and Board if the Applicant or Board feels additional time is warranted for Preliminary Plan review. The Registry of Deeds does not record a Preliminary Plan, and the Preliminary Plan has no bearing on a subsequent Definitive Plan.

For Definitive Plans, the Planning Board must act and have filed its decision with the Town Clerk within 135 days of a Definitive Plan filed without a Preliminary Plan, and 90 days if a Preliminary Plan has been filed (and after 60 days has elapsed since submission of the Preliminary Plan). The 135 or 90-day review period may be extended by mutual agreement of the Applicant and the Board. After the public hearing, and after the report of the Board of Health or lapse of 45 days without a report, the Planning Board shall approve, modify and approve or disapprove the plan. The Town will notify the Applicant and the Town Clerk only of its decision. The Applicant and direct abutters of the proposed subdivision may appeal the Board's decision to Barnstable Superior Court within 20 calendar days from the date the decision is filed with the Town Clerk. If no appeals are filed within 20 days, the Applicant is entitled to endorsement by the Planning Board. Before endorsement, the Applicant shall file a performance guarantee to secure the construction of ways and installation of municipal services.

SUMMARY

Subdivision review by the Planning Board is mandated by State Law and local regulations. Definitive Plan submission is required in all cases. Preliminary Plan submission is optional for residential subdivisions, and required for non-residential subdivisions. The review period for Preliminary Plans is 60 days from the date of submission, and 90 days for a Definitive Plan with a Preliminary Plan submitted, and 135 days with no Preliminary Plan submitted.

The Town's Planning Staff is available to help you maximize the chances of your smooth progression through the process and to minimize misunderstanding. To this end, please feel free to contact Paul DeCoste, Town Planner at 508-945-5618 or at pdecoste@town.chatham.ma.us

Attachment: Copy of Sections IIIA & B of Chatham's "Rules and Regulations Governing the Subdivision of Land"

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